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Carolyn W. Jaffe
Assistant General Counsel
Law Department

December 14, 2012

VIA FEDERAL EXPRESS

Michael A. Mintzer, Esq.
Assistant Regional Counsel
New York/Caribbean Superfund Branch
Office of Regional Counsel
U.S. Environmental Protection Agency, Region II
290 Broadway, 17th Floor
New York, NY 10007-1866

**Re: Response of Consolidated Edison Company of New York, Inc. to
EPA's CERCLA § 104(e) Request for Information in Connection
With the Newtown Creek Superfund Site, Kings County and
Queens County, New York**

Dear Mr. Mintzer:

By letter dated May 10, 2012, the United States Environmental Protection Agency ("EPA") provided Consolidated Edison Company of New York, Inc. ("Con Edison"), pursuant to EPA's authority under § 104(e) of CERCLA, with a Request for Information ("Information Request") seeking information with respect to the Newtown Creek Superfund Site ("Newtown Creek Site"). As agreed, Con Edison responded to EPA's request on October 5, 2012.

In Con Edison's October 5, 2012 response, Con Edison requested confidential treatment of information and records relating to the precise location and design of certain specific Con Edison facilities on the grounds that these facilities are critical energy infrastructure (i.e., energy systems and assets, the incapacity or destruction of which would negatively affect physical security, economic security, public health or safety). In follow-up discussions with you, we agreed that Con Edison would not be required to provide information relating to the precise location and design of critical energy infrastructure in response to the Information Request. You requested that Con Edison provide a revised response to the Information Request (without the confidential information) that would supersede the response provided on October 5th.

In addition to our agreement regarding the production of information relating to critical energy infrastructure, we had previously agreed to a clarification of the scope of Requests 16 and 19. We agreed that in response to Request 16, Con Edison would provide a general description of the types of utility structures located in the covered area, and that in response to Request 19, Con Edison would provide specific information on releases from those structures to the environment.

This letter and Appendices A through C constitute Con Edison's revised response to the Information Request as modified by our agreements. The attached Appendix A contains Con Edison's revised response to the Information Request which supersedes the responses previously provided on October 5th. Appendix B, which was provided on October 5, 2012 (and has not been resubmitted), contains hard and electronic copies of documents bearing the following bates numbers: EPA-NC-CE-0000001 - EPA-NC-CE-0000018; EPA-NC-CE-0000078 - EPA-NC-CE-0000716; and EPA-NC-CE-0000764 - EPA-NC-CE-0004663. The attached Appendix C contains copies of documents that supplement the production of documents contained in Appendix B and previously provided on October 5, 2012. A list of the bates ranges of the supplemental production of documents contained in Appendix C is provided in an attachment to this letter. Pursuant to your direction, we are providing to you Appendices A and C in both hard copy and electronic formats. We are also providing Ms. Kwan with a PDF copy of those appendices on a CD.

Generally, the Information Request includes detailed instructions, directions and definitions which we have endeavored to follow. In accordance with Instructions A.1 and A.2, Con Edison's responses are organized to correspond to each of the numbered questions in the Information Request.

With respect to Instruction A.5, in order to prepare this comprehensive response, Con Edison has conducted a good faith search for responsive records within its corporate custody, including records in commercial storage, and has consulted with numerous present employees and with a limited number of former employees whom Con Edison has reason to believe may be familiar with the matters addressed in the Information Request.

Finally, please be advised that Con Edison expressly denies any liability for contamination at the Newtown Creek Site or for any investigation, response or remediation costs for the Newtown Creek Site. Con Edison's response to the Information Request does not constitute, and should not be construed, interpreted or used as, evidence of any admission of fact, law, responsibility, liability or fault, nor as a waiver or release of any right or defense by, nor as an estoppel against, Con Edison under CERCLA or any other federal, state or local statute or common law. Furthermore, Con Edison expressly reserves any and all rights, defenses, claims, counterclaims, demands and causes of action that it may have against the United States, or against any other person or entity, including without limitation all governmental bodies and any PRP for the Newtown Creek Site.

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Thank you for your consideration in this matter. If you have any questions, or would like to discuss any aspect of Con Edison's response, please do not hesitate to contact me.

Respectfully submitted,



Carolyn W. Jaffe

Attachment
Appendices A and C

Cc: Caroline Kwan, Remedial Project Manager (letter and PDF of Appendices A and C)

Bates Ranges of Supplemental Production of Documents Contained in Appendix C

EPA-NC-CE-0004667
EPA-NC-CE-0004694
EPA-NC-CE-0004697 - EPA-NC-CE-0004703
EPA-NC-CE-0004705 - EPA-NC-CE-0004707
EPA-NC-CE-0004712 - EPA-NC-CE-0004748
EPA-NC-CE-0004753 - EPA-NC-CE-0004765
EPA-NC-CE-0004767 - EPA-NC-CE-0004814
EPA-NC-CE-0004817 - EPA-NC-CE-0004820
EPA-NC-CE-0004823 - EPA-NC-CE-0004853
EPA-NC-CE-0004862 - EPA-NC-CE-0004867
EPA-NC-CE-0004869 - EPA-NC-CE-0004891
EPA-NC-CE-0004893
EPA-NC-CE-0004895
EPA-NC-CE-0004902
EPA-NC-CE-0004907
EPA-NC-CE-0004910 - EPA-NC-CE-0004922
EPA-NC-CE-0004934
EPA-NC-CE-0004976
EPA-NC-CE-0004977
EPA-NC-CE-0005026 - EPA-NC-CE-0005056
EPA-NC-CE-0005060
EPA-NC-CE-0005087
EPA-NC-CE-0005090
EPA-NC-CE-0005095 - EPA-NC-CE-0005098
EPA-NC-CE-0005100 - EPA-NC-CE-0005105
EPA-NC-CE-0005107 - EPA-NC-CE-0005125
EPA-NC-CE-0005129
EPA-NC-CE-0005130
EPA-NC-CE-0005133
EPA-NC-CE-0005134
EPA-NC-CE-0005141 - EPA-NC-CE-0005175
EPA-NC-CE-0005199
EPA-NC-CE-0000725- EPA-NC-CE-0000746
EPA-NC-CE-0000747- EPA-NC-CE-0000763
EPA-NC-CE-0000764- EPA-NC-CE-0000817